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**EARLE M. JORGENSEN CO.  
STEEL**

FORGE DIVISION

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May 22, 1985

DEPARTMENT OF ECOLOGY  
NORTHWEST REGION

Bob Pastorok  
Tetra Tech, Incorporated  
11820 Northrup Way  
Bellevue, WA. 98005

USEPA RCRA



3014028

Dear Mr. Pastorok,

I have recently reviewed portions of a draft report entitled Elliott Bay Toxics Action Plan: Review of Existing Action Plans, which I understand was prepared by your firm for the EPA, and under your direction. I have several concerns about the draft report which I hope you will be able to consider in preparing your final version.

There are several references in the report which in tone and in context, provide what I feel are misleading impressions of our company's willingness to cooperate with DOE and EPA. These are as follows:

1. A section marked Upper Duwamish Estuary contains the following statement relating to Jorgensen Steel:

1) Jorgenson Steel: Operated an unlined acid wastewater disposal pit adjacent to the Duwamish Estuary. The pit has been closed.

2. On page 22, the following statement is made:

On site visits, Metro inspectors attempted to identify inadequate spill control measures, the possible need for fugitive toxic dust control, and illegal or detrimental stormwater measures. Investigators initially approached companies in a cooperative stance, offering free technical assistance to firms willing to take measures identified for their sites after inspections and runoff sampling. In some cases, however, when companies refused to cooperate, formal enforcement actions have been taken against them, either by Metro, or after



referral to DOE.

Twelve of the industries visited had adequate pollution controls, requiring no follow-up work after initial discussions with Metro. However, three hazardous waste sites were referred to DOE for follow-up. The first industry, Jorgensen Steel, had a leaking acid waste pit next to the river, violating NPDES requirements. Subsequently, this pit was cleaned and retired.

3. Table 5, on page 24, in referring to Jorgensen Steel, states that a "site investigation" date was October 24, 1983, and under "Action Pending", asserts:

NPDES permit and acid pit referred to DOE 11/1/83  
Jorgensen response to DOE Hazardous Waste 3/20/84  
Acid pit has been closed. NPDES permit has been updated

A cursory reading of these references communicates an impression of Jorgensen's activities which is misleading. They are misleading for several reasons:

1. Jorgensen did in no way ever refuse to cooperate with DOE or EPA. In fact, quite the opposite tone has characterized all of our dealings with both agencies. DOE, with whom we have been dealing, needed to become aware of our operations, and we needed to learn about DOE's views on the applicability of various regulations to those operations. Jorgensen, in fact, not only volunteered to participate in the Metro consultative process, but asked to be the first one to be visited.

- On November 1, 1983, a week after the Metro on-site visit to Jorgensen, Jim Shahan of Metro wrote me that:

"Metro found nothing of concern relating to the water quality of the Duwamish. The on-site team found the facility to be environmentally sound. Nor does the condition of the river adjacent to Jorgensen indicate a need for sampling or monitoring other than that conducted on a routine schedule by agencies involved on the Duwamish (EPA, DOE, NOAA, Metro).

The on-site procedure calls for a "post visit conference", but we feel this is unnecessary

and that the on-site visit to Jorgensen has been satisfactorily completed.

Again, thank you for your time and cooperation."

A copy of this letter is attached for your information.

- There has never been any attempt to "hide" any information or "mislead" anyone from any agency. We suggest that you review this matter with either Julie Sellick, the Hazardous Waste Inspector for DOE (885-1900), or with Barbara Smith, the District Inspector for Environmental Quality for DOE, who may be reached at the same telephone number.

- Jorgensen's response to the requests for information or action from DOE has been prompt. On the two occasions when it has been requested (10/21/83 and 2/22/84) the information or action has been provided within the 30 days requested by the agency.

2. There has never been any, or any need for any "enforcement action" against Jorgensen by Metro, DOE or EPA. In fact, the process has been useful and informative to Jorgensen, and we feel that the agencies' suggestions have been very helpful.

3. The acid pit referred to was not "leaking" at the time of the inspection, and in fact had not been used for more than 14 months prior to the voluntary inspection.

4. The acid pit was not "next to the river", but in fact was located approximately 122 feet inland from the river bank.

5. The acid pit was not "unlined", but was in fact lined with limestone, designed to neutralize the acid. (the pit was not used to dispose of all acids, but merely to receive spills and emergency overflows).

6. The pit has not been "closed" or "retired", but has simply been lined with concrete.

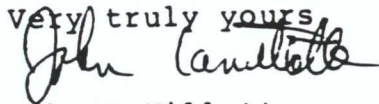
7. The NPDES permit has not yet, in fact, been updated. Jorgensen operated from October 14, 1971 until October 14, 1976 under a Waste Discharge Permit form. An application for a NPDES

permit to discharge was received by DOE on December 7, 1976, shortly after DOE received authority to administer the NPDES permit process. This application was never acted upon by DOE. I am attaching a copy of a letter to this effect from Barbara Smith, dated October 11, 1983, for your information. To date, a final permit has not been issued, since several draft permits have been under discussion with DOE.

Although I am sure that you had to review a mass of material to write this report, I am concerned that the cooperative, mutually respectful process in which we have been engaged with Metro, DOE and through them, with EPA, not be mischaracterized in your final report.

Please give me a call if you have any questions.

Very truly yours,



John LaVillette  
Plant Industrial Engineer

cc: Julie Sellick  
Barbara Smith